IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5256 OF 2007

Shri Sunder Shesha Shetty .... Petitioner
M/s Janta Bar & Restaurant

Vs.

State of Maharashtra & Ors. .... Respondents

Mr. Pankaj C. Kansara for Petitioner.
Mr. N.P. Deshpande, A.G.P. for Respondents.

CORAM : A.P. DESHPANDE, J.
DATE : 26TH JULY, 2007

P.C.

1) Rule.

2) Rule made returnable forthwith. Taken up for final hearing by consent of the parties.

3) By the present Writ Petition, the Petitioner has challenged the legality and validity of the order passed by Respondent No. 3 dated 24/05/2007, so also the order passed the Respondent No. 4 on 2/7/2007. The Petitioner is holding a Public Entertainment License. The enquiry was initiated by Assistant Commissioner of Police, Bhandup Division. The Respondent no.3 without

affording any opportunity to the Petitioner, has passed an order of suspension of license for a period of 90 days. The action is purported to have been taken under the proviso to Rule 28 of 'Rules for Keeping Places of Public Entertainment in Greater Bombay'.

4) The learned A.G.P. appearing for the Respondents submit on instruction, that the enquiry has been completed and thus the Respondent has no objection for the Petitioner to open his place of Public Entertainment. As the proviso permits suspension of license, pending an enquiry and as the enquiry is already over, the suspension need not continue further. In view of the fact that the Respondent has no objection for the Petitioner to carry on his business, the impugned order dated 24/5/2007 need not continue hereafter and the same stands revoked from the date of passing of this order. The learned Counsel for the Respondents submits that the Respondents reserve their right to take appropriate action depending upon the decision reached by the authorities pursuant to the enquiry held against the Petitioner.

5) The Writ Petition is partly allowed.

6) It is declared that the impugned order dated 24/05/2007 shall cease to operate from the date of passing of this order. It shall be open for the Respondent to take an appropriate decision in accordance with law in view of the findings of enquiry conducted against the Petitioner.

7) Rule is made absolute in above terms.

(A.P. DESHPANDE, J.)